



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,084	01/14/2004	Robert Bell	CIS04-01(8787)	3456
47654	7590	03/15/2006	EXAMINER	
DAVID E. HUANG, ESQ. BAINWOOD HUANG & ASSOCIATES LLC 2 CONNECTOR ROAD SUITE 2A WESTBOROUGH, MA 01581			PATEL, NITIN C	
			ART UNIT	PAPER NUMBER
			2116	

DATE MAILED: 03/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/757,084

Applicant(s)

BELL, ROBERT

Examiner

Nitin C. Patel

Art Unit

2116

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2004 and 26 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) 1-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>5/26/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in responsive to preliminary amendment filed on 14 January 2004, and information disclosure statement filed on 26 May 2005.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 26 May 2005 was filed before the mailing date of the first office action. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

3. Claims 1 – 23 have been canceled.

4. Claims 24 – 37 have been added new.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 24 – 37 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 - 15 of US Patent No. 6,701,443 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

6. Independent claim 24 essentially repeats all the elements of an apparatus for discovering a powerability condition of a computer network including a signal generator to provide test signals to differential lines of connecting medium including a first voltage during a first time period and a second voltage during second period, a detector to measure a response signal and to enables apparatus to indicate whether a remotely power able device connects to connecting medium based on response as described in claim 8 of the US Pat. 6,701,443 B1.

7. Independent claim 30 essentially repeats all the elements of an apparatus for discovering a powerability condition of a computer network including a signal generator to provide test signals to differential lines of connecting medium including a first voltage during a first time period and a second voltage during second period, a means for [detector] measuring a response signal and to enables apparatus to indicate whether a remotely power able device connects to connecting medium based on response as described in claim 8 of the US Pat. 6,701,443 B1.

8. Independent claim 34 essentially repeats all the elements of an apparatus for discovering a powerability condition of a computer network including a signal generator coupled to controller and configured to provide test signals to differential lines of connecting medium including a first voltage during a first time period and a second

voltage during second period, a detector coupled to controller and configured to measure a response signal and to enable and to indicate whether a remotely powerable device connects to connecting medium based on response as described in claim 8 of the US Pat. 6,701,443 B1.

9. Independent claim 37 essentially repeats all the elements of an apparatus for discovering a powerability condition of a computer network including a controller, a signal generator coupled to controller configured to provide test signals to differential lines of connecting medium including a first voltage during a first time period and a second voltage during second period, a detector coupled to controller and configured to measure a response signal and to enable and to indicate whether a remotely powerable device connects to connecting medium based on response as described in claim 8 of the US Pat. 6,701,443 B1.

10. Dependent claims 25, and 31 essentially repeats computer network connection operation including during normal operation, an operating voltage having a first voltage magnitude; and wherein the signal generator is configured to supply, as the test signal, a test voltage having a second voltage magnitude that is substantially less than the first voltage magnitude as described in claim 9 of the US Pat. 6,701,443 B1.

11. Dependent claims 26, and 32 essentially repeats connecting medium including a local end and a remote end, and wherein operation to selectively identify one of (i) a backwards wired device condition at the remote end, (ii) an open condition at the remote end, (iii) a remotely powerable device condition at the remote end, and (iv) a

shorted/non-powerable device condition at the remote end as described in claim 10 of the US Pat. 6,701,443 B1.

12. Dependent claims 27, and 33 essentially repeats the differential signal lines configuration including a first pair of differential signal lines to carry data signals between network devices and a second pair of differential signal lines to carry other data signals between the network devices; and the signal generator configured to provide test signal including applying a DC voltage across the first and second pairs of differential signal lines as described in claim 11 of US Pat. 6,701,443 B1.

13. Dependent claims 28, and 34 essentially repeats the signal generator configuration to couple between a centertap of the first pair of differential signal lines and a centertap of the second pair of differential signal lines as described in claim 12 of US Pat. 6,701,443 B1.

14. Dependent claims 29, and 35 essentially repeats the signal generator configuration to provide remote power to the computer network through the first and second pairs of differential signal lines to remotely power a device as described in claim 13 of US Pat. 6,701,443 B1.

15. **Prior Art not relied upon:** Please refer to the references listed in attached PTO-892, which, are not relied upon for claim rejection since these references are relevant to the claimed invention.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nitin C. Patel whose telephone number is 571-272-3675. The examiner can normally be reached on 6:45 am - 5:15 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on 571-272-3670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nitin C. Patel
March 7, 2006


LYNNE H. BROWNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100